

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Monty Garner,)	
)	
Petitioner,)	
)	Civil Action No.: 4:06-1742-TLW-TER
vs.)	
)	
Michael Pettiford, Warden,)	
FCI-Bennettsville,)	
)	
Respondent.)	
)	

ORDER

Petitioner, Monty Garner, (“petitioner”) filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 on June 8, 2006. (Doc.#1). The respondent, Michael Pettiford, Warden, FCI-Bennettsville, filed a motion to dismiss or in the alternative for summary judgment on September 5, 2006, with supporting memorandum. (Doc. #5). On September 6, 2006, United States Magistrate Judge Thomas E. Rogers, III, issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising petitioner of the motion to dismiss/summary judgment procedure and the possible consequences if he failed to respond adequately. (Doc. #6). The petitioner failed to file a response to the motion to dismiss or in the alternative for summary judgment.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by Judge Rogers, to whom this case had previously been assigned. (Doc. #12). In the Report, Magistrate Judge Rogers recommends that the District Court dismiss the petition as moot because the petitioner was released from the FCI-Bennettsville, South Carolina on July 3, 2007, to a Residential Reentry Center (RRC) (a.k.a. Halfway House) in Raleigh, North Carolina for pre-

release programming. (Doc. #10 with attachment). The court reasoned that as petitioner has already been placed in RRC, the relief sought has been obtained. Therefore, his claim is now moot. The petitioner has not filed objections to the Report. Objections to the Report were due on September 4, 2007.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #12) and the petitioner's complaint dismissed as moot.

IT IS SO ORDERED.

S/Terry L. Wooten

Terry L. Wooten
United States District Judge

September 20, 2007
Florence, South Carolina